

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES SIMS, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
VIACOM, INC., et al.	:	NO. 09-3521

ORDER

AND NOW, this 17th day of November, 2009, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendant Viacom, Inc. to dismiss the amended complaint (Doc. No. 15) is GRANTED, as to count 3 (fraud) and count 5 (theft by conversion);

(2) the motion of defendant Viacom, Inc. to dismiss the amended complaint (Doc. No. 15) is DENIED as to count 1 (breach of contract), count 2 (breach of implied contract), and count 4 (negligent misrepresentation); and

(3) the motion of defendant Viacom, Inc. to dismiss the amended complaint (Doc. No. 15) with regard to claims against defendant VH1 is GRANTED in full.

BY THE COURT:

/s/ Harvey Bartle III

C.J.